

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CHARLES HARDEN,

Case No. 3:07-CV-148

Plaintiff,

-vs-

Judge Thomas M. Rose

UNITED STATES OF AMERICA

Magistrate Judge Sharon L. Ovington

Defendant.

ENTRY AND ORDER OVERRULING HARDEN'S OBJECTIONS (Doc. #5) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #4) REGARDING HARDEN'S PRO SE COMPLAINT; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS DISMISSING HARDEN'S COMPLAINT; DENYING HARDEN LEAVE TO APPEAL *IN FORMA PAUPERIS* AND TERMINATING THIS CASE.

This matter is before the Court pursuant to pro se Plaintiff Charles Harden's ("Harden's") objections to the Report and Recommendations (doc. #5) of Magistrate Judge Sharon L. Ovington regarding Harden's Complaint. The time has run and the Government has not responded to Harden's Objections.

Harden's Complaint alleges that the Government wrongfully violated the terms and duties of a proffer contract entered into by Harden and the Government. Magistrate Judge Ovington recommends dismissing Harden's Complaint as frivolous and Harden objects.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court

finds that Harden's objections (doc. #5) to Magistrate Judge Ovington's Report and Recommendations are not well-taken, and they are hereby OVERRULED.

Magistrate Judge Ovington's Report and Recommendations (doc. #5) is ADOPTED in its entirety. Harden's Complaint is DISMISSED. Further, an appeal of this order adopting Magistrate Judge Ovington's Report and Recommendations would not be taken in good faith, and, consequently, leave for Harden to appeal *in forma pauperis* is DENIED.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton. The Clerk is ordered to provide a copy of this Entry and Order to Mr. Harden at his address of record.

DONE and **ORDERED** in Dayton, Ohio, this Thirteenth day of June, 2007.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Charles Harden